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February 22, 2022

Via ECF

Hon. Alvin K. Hellerstein
Senior Judge, United States District Court, S.D.N.Y.
c/o United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Seabrook v. United States (2255)
(21-cv-08767)

Dear Judge Hellerstein:

I write as a followup to my February 10th, 2022 letter requesting *inter alia* a status conference, and a judicial directive ordering the Government to file a response to Petitioner's pending 2255 application. Government counsel notes that it has not been judicially directed to file one (Rule 4-b). Respondent has not contended that the legal claims raised by Petitioner are rebutted by the record, and no Affirmation has been filed by Petitioner's trial counsel asserting that Petitioner was fully informed of the Court's disclosed conflict with a Government witness, and knowingly waived it.

Nor has trial counsel claimed that his failure to elicit testimony (or proffer exhibits) demonstrating that the hedge funds which the C.O.B.A. Board invested in was knowingly misled, and that the accounting firms which were retained to provide accounting services failed to disclose the poor financial plight which their hedge fund clients were experiencing was strategic.

It is, I note, now some four months since Petitioner's 2255 was filed. Petitioner's habeas corpus rights, pursuant to 28 U.S.C. 2255, should be appropriately respected. The claims raised are both factually detailed, and legally plausible (c.f. *Puglisi v. United States*, 586 F. 3d 209, 218 [2nd Cir. 2009]; Rule 4[b] Section 2255 Rules). Petitioner is entitled to his day in court.

Very truly yours,



Roger Bennet Adler

Attorney for Petitioner Norman Seabrook

RBA/gr

Cc:

Via ECF

Assistant U.S. Attorney Lara Pomerantz
c/o U.S. Attorney's Office, S.D.N.Y.

Via 1st Class Mail

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